



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8/Reg. for Reconsid.
Hawkins
10/22/02

Application of: **SHINOZAKI, Hiroyuki**

Group Art Unit: **2834**

Serial No.: **10/034,123**

Examiner: **T. LAM**

Filed: **January 3, 2002**

P.T.O. Confirmation No.: **1034**

For: **MAGNETIC BEARING CONTROLLER**

REQUEST FOR RECONSIDERATION

Commissioner for Patents
Washington, D.C. 20231

October 16, 2002

Sir:

This is in response to the Office Action dated July 17, 2002. Reconsideration of the claims and allowance of the application are respectfully requested in light of the following remarks.

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REMARKS

Claims 5 - 10 are pending in this application. Reconsideration in view of the following remarks is respectfully requested.. Applicant believes that this Response is fully responsive to the Office Action dated **July 17, 2002**.

Allowable Subject Matter:

Applicant gratefully acknowledges the indication in item 4 of the Office Action that claims 7 and 8 would be allowable if amended to include all of the limitations of the base claim and any intervening claims. However, for at least the reasons outlined below, applicant respectfully asserts that all of claims 5 - 10 are allowable.

As to the Merits:

As to the merits of this case, the Examiner sets forth the following rejection:

claims 5, 6, 9 and 10 stand rejected under 35 U.S.C. § §103(a) as being unpatentable over Applicant's discussion of prior art with reference to Figs. 1 - 6 in view of **Sawicki** (U.S. Patent No. 3,792,473).

This rejection is respectfully traversed.

Significant structural arrangements of the Applicant's claimed invention include *detecting a position of a levitated body by a status detector unit, which uses a modulated signal of a certain fundamental frequency; eliminating frequency components of a frequency area around said fundamental frequency; and levitating said body at a predetermined position by magnetic force generated by an electromagnet.*

With regard to prior art Figs. 1 - 6, the Examiner asserts the following:

The prior art discloses a method for controlling a magnetic bearing device comprising: detecting a position of a levitated body by a status detector unit, which uses a modulated signal of a certain fundamental frequency; and levitating said body at a predetermined position by magnetic force generated by an electromagnet.¹

However, the Examiner fails to rely on prior art Figs. 1 - 6 for teaching the feature of *eliminating frequency components of a frequency area around the fundamental frequency*, as called for in independent claim 5.

Instead, the Examiner relies on the secondary reference of Sawicki for teaching the above-noted deficiencies of prior art Figs. 1 - 6. More specifically, the Examiner asserts that:

Sawicki discloses eliminating frequency components of a frequency area around a fundamental frequency for the purpose of eliminating distortion frequency of the signal (col. 2 and lines 40 - 45).²

¹Please see, lines 15 - 18, page 2 of the outstanding Action.

²Please see, lines 19 - 21, page 2 of the outstanding Action.

However, Sawicki constitutes non-analogous prior art. That is, Sawicki is drawn to a VOR system established throughout the world as a standard en route navigational aid for aircraft whereas the present invention is drawn to a magnetic bearing controller which controls a levitated rotating body actively by controlling a magnetic force.

In other words, the Sawicki reference is clearly not in the Applicant's field of endeavor of a magnetic bearing controller for levitating a rotating body. Moreover, Sawicki's VOR navigational system for aircraft is not reasonably pertinent to the particular problem of eliminating frequency components of the frequency area which is used by the status detector unit of with which the present invention is concerned.

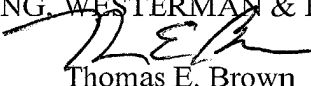
Thus, for at least these reasons, it is respectfully asserted that the prior art fails to teach or suggest recitations of claims 5 - 10, and request that the Examiner allow these claims, along with the entire application, to issue. Accordingly, withdrawal of the rejection of claims 5, 6, 9 and 10 under 35 U.S.C. §103(a) is respectfully solicited.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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